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July 29, 2004

Dr. Jo Lynne DeMary
Superintendent of Public Instruction
Department of Education
Monroe Building
101 North 14th Street
Richmond, VA 23219

**Re: Repeal of Regulations Governing Pupil Rights and Hearings
(8 VAC 20-480-10)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to repeal the above Regulations Governing Pupil Rights and Hearings, 8 VAC 20-480-10.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. Since the adoption of these regulations, the Board has promulgated the Regulations Governing Management of the Student's Scholastic Record, 8 VAC 20-50-10 *et seq.*, which in part requires compliance with the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, and regulations promulgated thereunder. The newer regulations address rights of students and their parents with respect to scholastic records. As a result, the above-referenced regulations are redundant. Repeal of these regulations is an appropriate and advisable course of action.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild
Senior Assistant Attorney General

